

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Florida Beach Beverages, Inc.,

Plaintiff,

v.

Case No. 06-12279

Liquid Manufacturing, L.L.C., *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER OF DISMISSAL

Plaintiff Florida Beach Beverages, Inc. (“Plaintiff”), a Florida corporation (*see* Pl.’s Compl. at ¶ 1), filed this action against Defendants on May 18, 2006. At that time, Plaintiff was represented by counsel. On July 17, 2006, however, Plaintiff’s counsel filed an unopposed motion seeking to withdraw from representing Plaintiff in this action.

On September 1, 2006, this Court issued an Order allowing Plaintiff’s counsel to withdraw [Docket Entry No. 11]. The Order further provided that all proceedings in this action would be stayed for a period of 60 days so that Plaintiff could obtain new counsel. A copy of the September 1, 2006 Order was served upon Plaintiff’s Registered Agent [Docket Entry No. 12].

As of August 9, 2007, however, Plaintiff had not obtained new counsel in this action and it is well established that a corporation cannot proceed in federal court except through an attorney. *Doherty v. American Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984). Accordingly, on August 9, 2007, this Court issued an Order to Show Cause [Docket Entry No. 15] ordering Plaintiff to show cause, in writing, no later than August 17, 2007, why this action should not be dismissed for failure to obtain counsel and failure of Plaintiff to prosecute.

Plaintiff having failed to file any response to the Order to Show Cause by the designated

date, **IT IS ORDERED** that this action is hereby **DISMISSED** for failure to obtain counsel and failure of Plaintiff to prosecute.

IT IS SO ORDERED.

S/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT COURT JUDGE

Dated: August 20, 2007

PROOF OF SERVICE

The undersigned certifies that on August 20, 2007, the foregoing order was served upon the parties and counsel of record via U. S. Mail at the addresses below:

Florida Beach Beverages, Inc.
20533 Biscayne Blvd Ste 287
Aventura, FL 33180

Kim T. Capello
45650 Grand River Avenue
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s/Jennifer Hernandez
Case Manager to
District Judge Sean F. Cox